Mr. B. V. K. Menon *(Secretary to Government)*: Sir, as I said in certain similar connection the other day, I repeat that this is not the time to consider about the reforms on franchise. As the House is aware the present franchise was established after a committee specially appointed for this purpose reported on that and it is likely that there might be difference of opinion as to what exactly the franchise should be like now also. This is not at any rate the opportune time to consider about this controversial matter. Any reform in this respect can be brought into effect only after three years more and I can only say that the Government will consider the advisability of constituting another committee to go into this question at the proper time. Government are convinced that this is not the time to appoint a committee for this purpose and so for the time being the Government have to oppose this cut motion.

Mr. P. Sankara Menon *(Trichur-North)*: I am sorry, I cannot agree with the Hon'ble Member for Government that this is not the opportune moment for framing a committee. According to me this is the time when it should be done and public opinion is unanimous in this matter, I do not think that there is any difference of opinion that the present system should not be abolished. I want to point out one outstanding word in my motion that is different from the other motions on the subject and that word is "to emphasise the *urgent necessity*". That was put intentionally because after some time the Government will come out with the usual excuse that there is no time enough for the working of the Committee. So I press this motion.

Cut motion put and carried

Cut Motion No. 8

Removal of restrictions on Public Meetings

Mr. P. Govinda Menon *(Ernakulam)*: Mr. President, I move that the allotment of Rs. 3,93,371 for General Adminstration in Demand No. 16 be cut by Re. 1. *The object is to demand that the present restriction regarding the holding of public meetings in Ernakulam, Mattancheri and Anthikad be immediately removed.*

Sir, The right to hold public meetings is a fundamental civil right of the citizens of any free country and any restriction upon that right is one which no self-respecting citizen can tolerate. Towards the close of 1117, this notification was enacted under Rule 56 of the Defence of India Rules under which before any public meeting is called or conducted, a licence from the Commissioner of Police has to be obtained. I had an occasion to point out before, that this is practically amounting to a ban on public meetings although technically it is only a restriction. In a country like Cochin, where the people are all educated and responsible and loyal, where representative Government at least with respect to 7 or 8 Departments are supposed to exist under a popular Minister, to deny the right of popular assembly and discussion is to deny the very foundations upon which Representative Government can exist. My argument or my request that this restriction may be removed now is not on the ground that the reasons for the restriction have ceased to exist. I maintain that reasons never existed for the imposition of this restriction. Even today in the neighbouring Provinces and States, there is no restriction regarding the conduct of public meetings.

Mr. B. V. K. Menon *(Secretary to Government)*: In Bombay and Madras, there are some restrictions.

Rao Sahib K. Ayyappan *(Kanayannur-Ezhuvas)*: In British Cochin?

Mr. B. V. K. Menon *(Secretary to Government)*: I said only Bombay and Madras.

Mr. P. Govinda Menon *(Ernakulam)*: In the notification published in the last Gazette the restriction in all places have been relaxed. I am not unaware of that. Why this restriction should continue to exist in these three place, I fail to understand. I know, the Government thinks that the existence of the Port here is a reason why no public meeting should be allowed to be conducted here without a licence from the Police. Sir, I wish to disagree, I disagree with the reasons given by the Government. And why under the Defence of India Rules the right to conduct public meeting should be restricted, I absolutely fail to understand. Is it against the interest of the defence of India that the people should be allowed to speak? I fail to understand how, if the leaders of the people are allowed to speak to their people the defence of India will in any way be jeoparadised. And if seditious speeches are attempted or if the public tranquality is attempted to be distrubed, I believe, Sir, the arms of the law are both strong and long enough in order to prevent it. Seven or eight years ago this Government enacted a legislation under which the powers and the rights of the press were restricted. A license was absolutely essential before any person could conduct a journal. We have seen how that restriction of a fundamental civil liberty has lead to the deterioration of journalism in this State, and now the freedom of speech

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of individual is also sought to be restricted. I urge upon the Government the fact that there is absolutely no necessity for such restrictions. In this connection I have to make a special appeal to the Hon'ble Minister for Rural Development to take this opportunity to tell him, Sir, that so long as there is one inch of space in Cochin State where people cannot freely assemble and give out their opinion, where leaders of people cannot discuss upon public questions, a Minister for Rural Development has no right to exist. The last Minister for Rural Development was carrying on what he considered a popular Government for three or four years when the 15 lakhs of the people of the State could not be addressed to as to what they think about his administration. And he himself was continuing as the self-constituted leader of a National War Front. They alone could speak. How can, I ask this House, any popular Minister continue to exist for one minute so long as a man cannot address public meetings in any place of the State against or for the policies of the administration? Therefore, before I put this motion for the acceptance of this House I would specially request the Hon'ble Minister for Rural Development as the democratic leader of his people to vote for the motion and not to remain neutral nor to vote with the Government. He will be forfeiting his rights and privileges as a Minister, as a popular Minister, if in this respect he does not vote with the popular side of the House because his very existence pre-supposes a right of free discussion and free speech. I am sure the followers of the Minister, the Members of the Nationlist Party will support me, in this motion and also will help me to see that this motion is accepted and this restriction does not exist any longer.

I also wish to submit, Sir, that having got the right of having a popular Minister although these things do not belong to his portfolio, he can often exert internal pressure upon the Government to see that the representative institutions grow and flourish in this country by allowing free discussion and free debate in public. If a Minister only thinks of his continuance in office he will not be able to exert this pressure. But if he thinks that his existence is justified only by the growth of representative institutions and by the growth of democracy in this country he can tell the reserved half of the Government "Well, Sir, I canont continue in this place as long as I cannot allow my people either to express their approbation or disapprobation of my administration". With these few remarks I commend this motion to the acceptance of this House.

***Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Mr. President, Sir,

In seconding this cut, I have only to call the attention of the Government to a saying of a great man to this effect, namely, "the Government of a State which suppresses civil liberty passes its own judgment against itself and must be considered not only reactionary but incompetent". The question of questions raised through this cut motion, Sir, is whether the enlightened Government of Cochin though not responsive wants to assume this role of being reactionary as also incompetent. We wish that our Government is neither reactionary nor incompetent, although signs of that are visible. Still we pray, Sir, that you may be pleased to give up that role and rise to the level which enlightened, loyal citizens of Cochin expect. Therefore, Sir, I have very great pleasure in seconding this cut, which is applicable only to three restricted areas, Mattancheri, Ernakulam and Anthikkad. To say that meetings in Anthikkad cannot be held is only to say that the Police are incompetent, and to say that in respect of Mattancheri and Ernakulam is in itself insulting to the intelligentia of these places.

മിസ്റ്റർ കെ. ഐ. വേലായുധൻ: സർ, നാഷണൽ പാർട്ടിയുടെപേരിൽ ഞാൻ ഈ ഉ പക്ഷേപത്തെ പിൻതാങ്ങുന്നു. ജനങ്ങൾ ഇളകിവശായി ഗവണ്മെൻറിനെ തകിടം മറിച്ചെ ങ്കിലൊ എന്നു പേടിച്ചാണ് ജനങ്ങളുടെ സ്വാതന്ത്ര്യത്തെ ഹനിക്കത്തക്ക ഇത്തരം ചില നട പടികളുണ്ടാക്കിയിരിക്കുന്നതു്. നമ്മളുടെ അയൽരാജ്യമായ തിരുവിതാംകൂറിലൊ അതു പൊലെ ബ്രിട്ടീഷിൻഡ്യയിലൊ ഇല്ലാത്ത ഒരു നിയമമാണിതു്. ആ രാജ്യങ്ങളിലെ ജന ങ്ങൾക്കു പ്രസംഗിക്കുന്നതിനൊ എഴുതുന്നതിനൊ ഉള്ള സകല സ്വാതന്ത്ര്യങ്ങളുമുണ്ടെന്നിരി ക്കെ നമ്മളുടെ രാജ്യത്തു മനുഷ്യന്റെ സ്വാതന്ത്ര്യത്തെ ഹനിക്കത്തക്ക ഇത്തരംനി യമങ്ങൾ വെച്ചുകൊണ്ടിരിക്കുന്നതു് ഒരു പരിഷ്കൃത ഗവണ്മെണ്ടിനും യോജിച്ചതല്ല. ഈനി യമംകൊണ്ടുള്ള വിഷമം എനിക്കുതന്നെ അനുഭവമായിട്ടുണ്ടു്. അതായതു് എന്റെ ഒരു മാന്യ സ്നേഹിതന്റെ അനുഭവത്തിൽനിന്നാണു് ഞാൻ പറയുന്നതു്. അന്തിക്കാട്ടു ഏലക്ഷനിൽജ യിച്ച എന്റെ ഒരു മാന്യസ്നേഹിതനു അനുമോദനം കൊടുക്കാൻ സഭ വിളിച്ചുകൂട്ടാനായിരി വസത്തിൽ ന. മീറ്റിംഗിനു അനുവാദത്തിന്നായി പോലീസ്സു ഇൻസ്പെക്ടരോടു് ആവശ്യപ്പെട്ട

*Speech not corrected by the Hon'ble Member.

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ഇപ്പോൾ, ഈ മിറിംഗുകൾ നടന്നത് മഴക്കാലത്തായിരുന്നെങ്കിലും അതിനു ഓരോന്നിനും പ്രത്യേകം പ്രത്യേകം അപേക്ഷ സ്റ്റാമ്പൊട്ടിച്ചു കൊടുക്കണമെന്നാണ് അദ്ദേഹം പറഞ്ഞതു്. ഗവൺമെണ്ടു് ഈ നിബന്ധന ടഷ്ടറിയിൽ പണമുണ്ടാക്കാൻവേണ്ടി ചെയ്യുന്ന ഒരു നിർബ്ബന്ധമായിട്ടാണ് ഇതിൽ തോന്നുന്നതു്. ഇതു് ഒരിക്കലും അനുവദിക്കാൻ പാടില്ലാത്തതാണ്.

അതുകൊണ്ടു് ഗവൺമെണ്ടു് അന്തിക്കാടും മട്ടാഞ്ചേരിയിലും എറണാകുളത്തും മീറിംഗ് നടത്താൻ പാടില്ലെന്നുള്ള നിബന്ധനയെ ഉടനെ പിൻവലിക്കണമെന്നുള്ള ഈ ഉപക്ഷേപത്തെ ഞാൻ പിന്താങ്ങുന്നു.

Mr. President: I will ask the Hon'ble Member to confine his remarks to 5 minutes so that Government may have an opportunity to reply.

മിസ്റ്റർ പി. കെ. ഡീവർ: സർ, ഈ ഉപക്ഷേപത്തിൽ പറയാത്ത ഒരു സംഗതികൂടി എന്റെ ഉപക്ഷേപത്തിലുണ്ടു്. അതായതു ഘോഷയാത്രയേസംബന്ധിച്ചു് തൊഴിലാളികളുടെ പേരിൽ ഈ നിയന്ത്രണത്തെ എനിക്കെതിർക്കാതെയിരിക്കാൻ നിവൃത്തിയില്ല. വാസ്തവത്തിൽ ഒരു കാര്യവും അർത്ഥമില്ലാത്ത നിയന്ത്രണമാണിതു്. മട്ടാഞ്ചേരിയിൽനിന്നു അരനാഴിക അപ്പുറത്തുപോയാൽ ബ്രിട്ടീഷ് കൊച്ചിയിൽനിന്നുകൊണ്ടു് കൊച്ചിയുടെ അതൃത്തിയിലുള്ള ആയിരകണക്കിനു ആളുകളെ സംബോധനചെയ്തുകൊണ്ടു എനിക്കു പ്രസംഗിക്കുവാൻ കഴിയും. എന്നാൽ മട്ടാഞ്ചേരിയിൽനിന്നു തൊഴിലാളികളോടു അവരുടെ ആവശ്യങ്ങളെകുറിച്ചു പ്രസംഗിക്കാൻ എനിക്കവകാശമില്ല. അതുപോലെ എറണാകുളത്തു റയിൽവെ ഗ്രൗണ്ട് സ്റ്റേഷൻ മൈതാനത്തുനിന്നു എത്രപ്രസംഗങ്ങൾ വേണമെങ്കിലും എനിക്കു നടത്താൻ കഴിയും, എന്നാൽ അതിനിപ്പുറത്തുനിന്നു ഒരു പ്രസംഗം ചെയ്യാൻ എനിക്കു അധികാരമില്ല. എന്തൊരു അർത്ഥമില്ലാത്ത ഒരു നിരോധനമാണിതെന്നു നോക്കുക. ഈ നിയമസഭയിൽ വാദപ്രതിവാദത്തിനവരുന്ന ഒരു സംഗതിയെക്കുറിച്ചു പൊതുജനങ്ങളുടെ അഭിപ്രായം അറിയണമെങ്കിൽ അതിനായി ഒരു യോഗംകൂടാൻ പോലീസ് കമ്മീഷണരുടെ അനുമതി വേണം. ജനകീയഭരണം പാക്ഷികമായിട്ടെങ്കിലും അനുവദിച്ചിട്ടുള്ള ഭരണപരിഷ്കാരം വിജയകരമാക്കണമെങ്കിൽ സ്വതന്ത്രമായ പൊതുജനാഭിപ്രായം അനുവദിക്കേണ്ടതത്യാവശ്യമാണ്. പൊതുജനങ്ങളുടെ പ്രാഥമികവും മൌലികവുമായ ഈ അവകാശത്തെ തടഞ്ഞുനിറുത്തിക്കൊണ്ടുപോകുന്നതു ഒരുവിധത്തിലും ആശാസ്യമൊ അനുവദനീയമൊ അല്ല. അതിനാൽ ആവശ്യമില്ലാത്തതും അർത്ഥശൂന്യവുമായ ഈ നിയന്ത്രണത്തെ ഉടനടി എടുത്തുകളയണമെന്നു ഈ രാജ്യത്തെ തൊഴിലാളികളുടെയും സാമാന്യജനങ്ങളുടേയുംപേരിൽ ഞാൻ ആവശ്യപ്പെട്ടുകൊള്ളുന്നു.

Mr. B. V. K. Menon *(Secretary to Government)*: Sir, Government are opposing the cut motion. I think that a great amount of the force in support of the motion has been taken away by the Hon'ble Mover himself when he said that even when the ban was introduced there was no justification for that.

Mr. P. Govinda Menon *(Ernakulam)*: I hold that view.

Mr. B. V. K. Menon *(Secretary to Government)*: Many Hon'ble Members in this House are aware of the conditions under which this ban was introduced and I am sure there have been speeches in the Council itself by very responsible Members saying that they agreed that at the time the ban was introduced there was real reason for it.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: But there was a big "if"—even if it was necessary.

Mr. President: Will the Hon'ble Member kindly not interrupt?

Mr. B. V. K. Menon *(Secretary to Government)*: I still maintain that I did not make any mistake when I say that there have been admissions in this House that when the order was promulgated, it was justified and there was sufficient reason for that. The Hon'ble Member for Vadakkancheri might not hold that view. But still I am not going to change that statement. What exactly has been the Government's attitude afterwards? We have always been watching with very great care how the situation is and Government have not been negligent or slow in removing the ban to that extent to which they thought they could safely do so. And what is the result? First we removed the ban in all places except in certain specified areas for which the reason also was mentioned and even in those areas we have recently lifted the ban to a very considerable extent. As I said, the area of the port of Cochin and the area lying very contiguous to that—Mattancheri and Ernakulam—cannot really be sought to be compared to the other areas in South India except the major Port areas. That is why even at the risk of interrupting the Hon'ble Mover that I said there are places where such restriction exists.

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Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur)*: What about British Cochin ?

Mr. B. V. K. Menon *(Secretary to Government)*: I will come to that. British Cochin though lying very near to the port is really not such a dangerous place and it is after all a very small portion of British India where in very important places, the restrictions continue. That is why I said in major ports like Bombay and Madras, the poople have to take licence from the Commissioner of Police to hold meetings.

Mr. V. R. Krishnan Ezhuthassan *(Urakam)*: What about Anthikad ?

Mr. B. V. K. Menon *(Secretary to Government)*: That certainly is not a harmless place. In these areas where the major portion is the port area for security reasons we have to maintain some restrictions and Hon'ble Members are aware that the war is not yet over and we have to take security Measures, very stringent measures at times. I am not prepared to divulge all the reasons for that and what measures are to be taken. As long as these circumstances exist, I am afraid some restrictions will have to be held in this area.

Now, Sir, what exactly is the difficulty by having this ban ? Is any convenience sacrificed ? Has any person been forced not to hold any meeting in circumstances in which a meeting could have been held reasonably ?

Mr. Puthur Achyutha Menon *(Kattur)*: Yes, there are.

Mr. P. Govinda Menon *(Ernakulam)*: I applied for a licence in 1117 to hold a meeting but it was not allowed.

Mr. B. V. K. Menon *(Secretary to Government)*: I am not speaking of 1117 when the conditions were different, but I am speaking of 1120.

Mr. Puthur Achyutha Menon *(Kattur)*: There is an instance that happened day before yesterday. The college students here wanted licence to hold a meeting, but that was not allowed.

Mr. B. V. K. Menon *(Secretary to Government)*: There might have been necessity to refuse permission. What I mean to is the civic needs of the people have not suffered. During the time prior to the Legislative Council Elections, meetings were allowed to be held after giving notice. Even now in the case of Municipal Elections and Panchayat Elections, it is only a notice to the Police that is necessary. What I submit to the House is that the present temporary and very slight restriction on the civic rights of the people the Government have been obliged to continue only on account of the present exigencies and Government will not delay the lifting of the ban if it can probably be helped. I am sure the Hon'ble Members will not be doubting the *bona fides* of the Government. The action of the Government in this regard, that is lifting the ban wherever possible and to the greatest extent possible at the earliest opportunity is in itself earnest that Government themselves are convinced that this ban should not be continued for a minute longer than what is absolutely necessary. I therefore submit to the House, Sir, that it will be very uncharitable to hold that this restriction is a very rampant aggression into the rights of the people. Sir, I am not speaking about its theoretical aspects, but as far as practical politics is concerned, I maintain that this does not in effect result in very great restriction of the liberties of the citizens of Cochin and I once more.....

Rao Sahib K. Apyappan *(Ezhuvas-Kanayannur)*: It is causing very many difficulties to the people. Once before we wanted to give an address to the Diwan and we did not get the licence and the Members had to go to the Police Commissioner and get it.

Mr. B. V. K. Menon *(Secretary to Government)*: I will certainly undertake to issue necessary orders to the Police authorities concerned that application for such meetings should be attended to with the greatest possible promptness and there should be no undue delay.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur)*: I was quoting an extreme instance. Even in that case we had that difficulty.

Mr. B. V. K. Menon *(Secretary to Government)*: This is the first time I come to know of such things. And that is why I undertake to issue necessary orders to the Police officers concerned that requests for permission to hold public meetings should be attended to with the greatest promptness and expedition. So, I cannot but oppose the motion.

Mr. P. Govinda Menon *(Ernakulam)*: The matter is fundamental and I put the motion to the vote of the House.

Motion put and lost.

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Mr. P. Govinda Menon (*Ernakulam*): Poll, Sir.

Ayes

1	Dr. Mrs. T. Francis	22	Mr. K. S. Panicker
2	Miss Annie Josph	23	,, K. T. Achuthan
3	Mrs. Dakshayani Velayudhan	24	,, P. M. Mayankutty
4	Mr. Natarajan Chettiar	25	,, Jos K. Vergess
5	,, Thevanna Goundan	26	,, P. M. Muhammad Ashroff
6	,, P. Govinda Menon	27	,, Kunhuvareed
7	,, V. R. Krishnan Ezhuthassan	28	,, C. N. Ittiravi Nambudiri
8	,, Puthur Achyutha Menon	29	,, C. J. Chirayath
9	,, P. T. Jacob	30	,, K. I. Velayudhan
10	,, C. S. Panicker	31	,, P. V. Sebastian
11	,, P. K. Paul	32	,, M. O. Thomakutty
12	,, P. Sankara Menon	33	,, P. I. Iype
13	,, M. K. Raja	34	,, M. K. Verghese
14	,, M. I. Paul	35	,, S. S. Koder
15	,, P. Kumaran Ezhuthassan	36	Dr. S. S. Rao
16	,, G. S. Dhara Singh	37	Mr. K. K. Kannan
17	,, P. Mani	38	,, P. K. Dewer
18	,, A. Eachara Menon	39	,, K. Kochukuttan
19	,, Rao Sahib K. Ayyappan	40	,, K. A. Raghavan
20	,, K. Balakrishna Menon	41	,, Parambi Lonappen
21	,, L. M. Pylee		

Noes

1	Mr. B. V. K. Menon	6	Mr. M. Sivarama Menon
2	, A Madhava Prabhu	7	,, K. S. Raghavan
3	Rao Sahib I. N. Menon	8	,, C. J. Mathew
4	Mr. V. K. Aravindaksha Menon	9	,, S. Venkateswaran
5	,, P. V. Raphael	10	Rao Sahib M. M. Paul

Cut Motion put and carried.

Mr. President: The question now is that the Government be granted a sum of Rs. 3,93,366 under 16 General Administration.

Demand put and carried.

11. General Administration—Cranganur—Rs. 2,983

Mr. President: The next question is that the Government be granted a sum of Rs. 2,983 under 11 General Administration—Cranganur.

Demand put and carried.

The House rose for the day at 5 p.m.

N. S. RADHAKRISHNA SARMA
Secretary to the Council

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